

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BETTER MOUSE COMPANY, LLC,

Plaintiff,

v.

DELL INC.,

Defendant.

CIVIL ACTION NO. 2:14-cv-1123

ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff Better Mouse Company, LLC (“BMC”) files this original complaint against the above-named defendant, alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

PARTIES

1. BMC is a limited liability company formed under the laws of the State of Texas, with a principal place of business in Tyler, Texas.

2. Defendant Dell Inc. is a corporation organized under the laws of Delaware, with a principal place of business at Round Rock, TX. Defendant can be served through its resident agent for service of process in Texas: Corporation Service Company; 211 E. 7th Street, Suite 620; Austin, TX 78701-3218.

JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, defendant has transacted business in this district and has committed acts of patent infringement in this district.

5. Defendant is subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute due at least to defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I: DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,532,200

6. On May 12, 2009, United States Patent No. 7,532,200 ("the 200 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "Apparatus for Setting Multi-Stage Displacement Resolution of a Mouse."

7. BMC is the owner of the 200 patent with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the 200 patent against infringers, and to collect damages for all relevant times.

8. Defendant made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale computer mice and other devices (including at least the following mouse models: Alienware TactX Mouse, Dell Laser Mouse) that infringed one or more claims of the 200 patent.

9. BMC has been damaged as a result of the infringing conduct by defendant alleged above. Thus, defendant is liable to BMC in an amount that adequately compensates BMC for

such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

10. BMC and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law.

JURY DEMAND

BMC hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

BMC requests that the Court find in its favor and against defendant and that the Court grant BMC the following relief:

- a. Judgment that one or more claims of the 200 patent have been infringed, either literally and/or under the doctrine of equivalents, by defendant;
- b. Judgment that defendant account for and pay to BMC all damages to and costs incurred by BMC because of defendant's infringing activities and other conduct complained of herein;
- c. A permanent injunction enjoining defendant and its respective officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the 200 patent;
- d. Pre-judgment and post-judgment interest on the damages caused by defendant's infringing activities and other conduct complained of herein;
- e. A declaration by the Court that this an exceptional case and an award to BMC its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- f. Other and further relief as the Court may deem just and proper under the circumstances.

Dated: December 17, 2014

Respectfully submitted,

/s/ Larry D. Thompson, Jr.

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